



U.S. Department of State
Directorate of Defense Trade Controls



Guidance for USPAB Authorization Requests (Revision 1.1)

In order to assist industry, DDTC is providing more comprehensive guidance for submissions of requests to authorize exports of defense services by U.S. Persons Abroad. Exporters may also wish to consult the FAQs on “Defense Services and U.S. Persons Abroad” that are published on the DDTC website.

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PART 1 – GENERAL GUIDANCE

U.S. Person Abroad

A U.S. Person Abroad (USPAB) is an individual U.S. person (as defined in ITAR § 120.62) who resides overseas, works for a foreign employer, and provides defense services as defined in ITAR § 120.32(a)(1) and/or (3) to their employer or other foreign parties. All USPABs require DDTC authorization prior to furnishing defense services to any foreign person.

The USPAB is the **applicant** of a USPAB authorization request because the USPAB is the U.S. person furnishing defense services to a foreign person. The USPAB’s employer is the foreign end-user as the recipient of the defense services. Wherever the word **applicant** is used throughout this guidance, it refers to the USPAB.

Defense Service Recipients

A USPAB authorization allows a USPAB to furnish defense services to his or her foreign employer. It may also authorize a USPAB to furnish defense services to other foreign persons (as defined in ITAR § 120.63) on behalf of his or her employer. These third parties may include actual or potential customers, or other foreign entities with whom the USPAB may work directly.

Authorization is required to furnish defense services directly to foreign persons. DDTC may authorize USPABs to furnish defense services to third parties when those foreign parties are specifically identified in an application as recipients of defense services. USPABs are not



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authorized to furnish defense services to foreign persons that are not specifically identified in the relevant authorization.

All USPAB authorizations include the following proviso:

“Defense services may be furnished to your foreign employer and the foreign parties specifically identified in your application as needing to receive defense services from you. Should you need to furnish defense services to any other foreign parties, you must submit another request that specifically identifies these parties as recipients of defense services.”

NOTE: To qualify as a defense service under ITAR § 120.32, the assistance must be furnished to foreign persons. Generally, services provided to U.S. persons are not regulated under the ITAR and do not require DDTC authorization.

Limitations

USPAB authorizations are limited to the provision of defense services described in ITAR § 120.32(a)(1) and (3). A USPAB authorization does NOT allow for the export of defense articles or the transfer of ITAR-controlled technical data. Such transfers require a separate DDTC authorization.

All USPAB authorizations will include the following proviso:

“You may not transfer ITAR-controlled technical data (as defined in 22 CFR 120.33). Any ITAR-controlled technical data used in connection with the activities authorized herein must be the subject of a separate Department authorization.”

This proviso does not preclude a USPAB from working with ITAR-controlled technical data that was lawfully exported to their employer under the conditions of an export authorization from DDTC.

Issuance of a USPAB Authorization

Although your application is submitted and tracked via a Form DS-6004, the DS-6004 license associated with your request will NOT serve as your authorization. The authorization, to include any limitations and provisos, will be sent to the applicant via email in letter format.

Sharing the Authorization with a Foreign Employer

DDTC will send the authorization only to the applicant. A copy will not be sent to the applicant's foreign employer or to any other third party, to include U.S. third parties. The



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ITAR does not require applicants to share a copy of their export authorizations with foreign end-users, which would include a foreign employer in the case of USPABs. That being said, an applicant may share his or her authorization with foreign end-users so long as such dissemination is not restricted by proviso. If a USPAB authorization contains provisos restricting dissemination, applicants may only share a redacted version of that authorization that removes the provisos in question.



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PART 2 – SUBMISSION REQUIREMENTS

Elements of a USPAB Authorization Request

In order to facilitate the most expeditious review of a USPAB authorization request, submit the Form DS-6004 via the Defense Export Control and Compliance System (DECCS) (<https://deccs.pmddtc.state.gov/deccs>).¹ Applicants do not need to be registered with DDTC in order to use DECCS to submit a DS-6004.

A USPAB authorization request consists of the following elements:

- Form DS-6004 (see Part 4 for instructions)
- Submission letter (see Appendix A for a template)
- Resume
- Detailed job description (if not included in the submission letter)
- ITAR § 126.13(a) certification
- Other supporting documentation

NOTE: Submit all documents in PDF format.

ITAR § 126.13(a) Certification

In accordance with ITAR § 126.13(a), “all requests for other written authorizations ... must include a letter signed by a responsible official empowered by the applicant” that certifies to the conditions of ITAR § 126.13(a). Since the applicant of a USPAB request is an individual (the U.S. person) and not a company or other entity, DDTC requires the USPAB to personally complete the ITAR § 126.13(a) certification. Certification can be submitted in one of two ways.

- 1) If the applicant is personally submitting the DS-6004, they may certify to the conditions on the form itself.
- 2) If the DS-6004 is being submitted on behalf of the applicant by a third party, a separate certification letter signed by the applicant is required. A template for the ITAR § 126.13(a) certification letter can be found in Appendix B.

Applications Facilitated by a Third Party

If an applicant chooses to have a third party, such as a prospective employer, a U.S. affiliate of the employer, or an attorney, facilitate a USPAB application, the applicant must grant

¹ If DDTC receives a USPAB authorization requests in hard copy, it will manually enter the request into the DECCS system which will add additional processing time and may require the applicant to verify the accuracy of the information.



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that party authorization to communicate with DDTC on his or her behalf. See Section V of the submission letter guidance in Part 3 below. Note that using a third party does NOT relieve the applicant of his or her responsibilities under the ITAR.

Supporting Documentation

Applicants may submit any additional documentation they feel will assist reviewers in adjudicating their case. However, these documents will serve as a supplement to the application; they do not replace the submission letter. Please include all the requested information in the submission letter. See the guidance in Part 3 below.



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PART 3 – SUBMISSION LETTER

This section provides guidance on preparing the submission letter and should be used in conjunction with the template provided in Appendix A.

The applicant **MUST SIGN** the submission letter. This applies even if a third party prepares the letter on behalf of the applicant. If the letter does not contain the applicant's signature, the request will be returned without action.

Summary Paragraph of Introduction

For the introductory paragraphs, DDTC recommends that you follow the language in the template, leaving details for the body of the letter. Include the bracketed clause in the second sentence, “[and the other foreign entities listed in this application],” only if you will be providing defense services to more than one foreign party.

As a reminder, a USPAB authorization allows the furnishing of only those defense services described in ITAR § 120.32(a)(1) or (3). If the applicant needs to transfer ITAR-controlled defense articles, including technical data, a separate approval from DDTC is required.

Section I – Contact Information

Provide the following information:

- Applicant's full legal name
- Applicant's residential address abroad
- Applicant's email address
- Applicant's phone number

IMPORTANT: DDTC will primarily contact the applicant via email. DDTC also will issue authorization decisions via email. Therefore, it is important that the applicant provide a good email address where they can be reached. Note that failure to promptly respond to a communication may result in the request being **Returned Without Action (RWA)**.

It is highly recommended that applicants add the @state.gov domain to their “safe senders” list to avoid communications going to junkmail. Applicants should also check their junk mail folder frequently to ensure they have not missed a communication.

Section II – Scope of Request

A. **List in BOLD the defense services to be provided** (as defined in ITAR § 120.32(a)(1) or (3)) and provide a description of the scope of those services. While you may include language from your job description or your statement of work, **be sure to tie your work back to one or more of the defense services.**



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When describing the scope of defense services to be furnished, provide as much detail as possible. **Be specific.** Avoid open-ended descriptions such as “I will provide **maintenance** support for aircraft manufactured by XYZ company” (which aircraft?) or “I will be furnishing assistance in the **development** of navigation systems for German army vehicles” (what navigation systems? which army vehicles?). Describe the applicant’s technical role, the defense article or articles, the program or programs (if applicable), and the end-use platforms (if applicable). If the information provided inadequately describes the technical scope of work, the request may be Returned Without Action (RWA).

Examples:

- “I will be furnishing assistance in the **design, development, and maintenance** of the XXX defense article. As the project engineer, I will be overseeing the development of the XYZ radar software, to include coding and the review and analysis of test results. I am also responsible for troubleshooting and resolving radar software problems for our customers. Furthermore ...”
- “I will be furnishing assistance in the **testing and operation** of the XXX defense article. I will be working on the XX-1234 navigation system, which is used on the ABC and XYZ ground transport vehicles used by the German army. My job entails ...”
- “I will be **training** the Country X Air Force in the use of”

B. Provide a statement that identifies the USML category and paragraph enumerating “defense services”² as well as the category and paragraph that relates to the defense articles for which defense services will be provided. For example, if the USPAB will be working with fire control systems which are described in USML Category XII(a)(1), list Category XII(f), which describes defense services, followed by the related USML commodity category, Category XII(a)(1) for fire control systems. You may need to list multiple defense service and commodity categories if the work spans multiple USML categories.

Example: “The defense services I will provide are classified under USML Category **XII(f)** and relate to the following USML categories: **XII(a)(1), XII(a)(3), and XII(d)(2)(i).**”

C. Include a statement that the applicant will not export defense articles or transfer ITAR-controlled technical data without a separate authorization (see the template for recommended wording). As a reminder, a USPAB authorization allows the furnishing of only those defense services described in ITAR § 120.32(a)(1) or (3). If the applicant needs to transfer ITAR-controlled defense articles, including technical data, separate approval from DDTC is required.

² Each USML category contains a single paragraph that captures defense services for specified defense articles in that category. This paragraph is typically the second to last paragraph listing in each USML category (e.g., Categories VIII(i), XI(d), and XII(f)). Each such paragraph begins with the phrase: “Technical data (see § 120.10 of this subchapter) and defense services (see § 120.9 of this subchapter).”



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Section III – Relevant U.S. Experience

Provide a full description of the applicant's U.S. education or experience related to defense articles described on the USML. This may include, but is not limited to, employment with a U.S. defense contractor, experience gained while serving in the U.S. armed forces, exposure to U.S.-origin defense articles (to include U.S. classified information) while serving in a foreign military, or previous work performed under the scope of a Technical Assistance Agreement or Manufacturing License Agreement. If the applicant has worked on any U.S. Government programs, provide the names of those programs.

Be as descriptive as possible as this will assist reviewers in assessing the submission. Failure to provide an adequate description may result in a return without action (RWA), an approval with more stringent provisos, or a denial of the request.

If the applicant has no relevant U.S. education or experience, include the following statement:

“I have no U.S. education or experience related to USML defense articles.”

NOTE: Some space-related technologies are controlled under the USML, meaning an applicant may have relevant experience even if he or she has never worked for the U.S. Government or a defense contractor. For example, space launch vehicles capable of reaching orbit are controlled under USML Category XV(a), meaning that if the applicant worked for a commercial space launch company, he or she may have relevant USML experience.

Section IV – Recipients of Defense Services

Provide a list of the foreign parties that will receive defense services from the applicant. Provide the name and full physical address for each foreign entity. If the list is extensive, you may include them in an attachment.

NOTE: Do **NOT** include U.S. entities in this list. Services provided to U.S. persons are not generally regulated under the ITAR and do not require DDTC authorization.

Section V – Applicant Information

A. U.S. Person Status (as defined in ITAR § 120.62)

Describe how the applicant meets the definition of a U.S. person. In most instances, a U.S. person is a U.S. citizen or a U.S. permanent resident.



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B. Years of Residency

Provide a brief description of any periods of the applicant's residency in the United States.

If there are no periods of residency, state so.

Section VI – Statement of Understanding

Provide a statement where the applicant acknowledges his or her responsibilities under the authorization, if approved (see the template for suggested wording).

Section VII – Appointing a Third Party POC

If the applicant will use a third party to assist with the application process, include the following statement:

“I, (applicant name), authorize DDTC to contact (designee name) with any questions related to my application. I acknowledge that I have read through this application and all the information contained herein is true and correct.”



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PART 4 – DS-6004 INSTRUCTIONS

The instructions below will guide the applicant in completing the DS-6004 for USPAB authorization requests. Submissions that do not adhere to these instructions may be **Returned Without Action (RWA)**.

Block 1. Transaction ID. Leave blank.

Important: The option to upload files is found on page 1 of the DECCS application, the same page where you enter the transaction ID. Be sure to upload your submission documents before moving onto the next page.

Block 2. Basic Information

DDTC Registration Code. If the individual USPAB applicant has a DDTC registration code, enter it here. Otherwise, leave this field blank. DO NOT enter a company registration code.

Applicant Information. Enter the applicant's information.

Attention. If the applicant is being assisted in preparing the application, enter the third party POC information here. Otherwise, enter "Self."

Blocks 3-4. Change Information

123.9(c) type. Select "Other."

Previous authorizations. If the applicant has previously sought a USPAB authorization, enter the authorization number here. Otherwise, leave blank.

Blocks 5-6. Commodity Information.

Provide one entry ("Commodity") for each USML category for which the applicant will furnish defense services. Multiple entries may be necessary if the defense services span more than one USML category.

Quantity. Enter "1."

Commodity Description. Enter "Defense services associated with items classified in USML Category (*enter roman numeral for USML category*). For example, if the applicant will be working with fire control systems enumerated under Category XII(a)(1), enter "Defense services associated with items



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classified in USML Category XII.”

USML Category. Enter the USML category related to the defense articles for which defense services will be furnished.

USML Sub-Category. Enter the defense services sub-category related to the defense articles for which defense services will be furnished. The defense service sub-category is the second to last listing in the DECCS dropdown menu and is found just before the “x” listing. For example, the defense services sub-category for Category XI is “d;” for Category XII, it is “f.”

NOTE: Do **NOT** enter a USML commodity sub-category for an item (i.e., a non-defense service sub-category). Submissions that list a commodity (e.g., hardware) sub-category may be RWA’d.

Value. Enter “\$1.”

Block 7. Entities. Enter the name and physical address (no P.O. boxes) of each entity that will receive defense services from the applicant. For party type, select “end-user.”

NOTE 1: Foreign government entities must be identified to the ministry-level equivalent or below. Applications that merely state “Government of (Country)” may be RWA’d.

NOTE 2: Enter foreign entities only. Do **NOT** enter U.S. entities in this block.

Block 8. New End Use. Enter “U.S. Person Abroad request for the provision of defense services to a foreign employer”.

Block 9. New Country of Ultimate Destination. Enter the countries of **all the defense service recipients** listed in block 7.

Block 10. Additional Details of Transaction. Indicate whether the application is related to a disclosure filed with the Office of Defense Trade Controls Compliance. If a disclosure has been filed, enter the Compliance Case Number (e.g., CC-9999-23). For further guidance on USPAB disclosures, refer to the following FAQ:

[“If I am furnishing defense services to my current employer without an authorization, what can I do?”](#)

Block 11:

Applicant’s Statement. If the applicant is preparing the DS-6004 him or herself, enter the applicant’s name and complete the 22 CFR 126.13 certification by



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selecting option "a". If the DS-6004 is being prepared by a third party, the third party should select option "d" and the applicant must submit a separate letter certifying to the conditions of 22 CFR 126.13.

Compliance with 22 CFR 130. Select "This transaction does not meet the requirements of 22 CFR 130.2."



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Appendix A – USPAB Submission Letter Template

(DATE)

Director
Office of Defense Trade Controls Licensing
2401 E Street N.W., Suite 1200 (SA-1)
Washington, DC 20522-0112

Subject: Request for Authorization for a U.S. Person Abroad (USPAB) to Provide Defense Services to a Foreign Employer

Dear Director:

I am a U.S. citizen seeking employment with (foreign employer), a foreign company incorporated in (country).³ As a condition of my employment, I will be required to furnish defense services to (foreign employer) [and the other foreign entities listed in this application].⁴ I am seeking authorization to provide those defense services.

This application seeks authorization to furnish **DEFENSE SERVICES ONLY** as described in ITAR § 120.32(a)(1) or (3). If I need to transfer ITAR-controlled defense articles, including technical data, I understand a separate authorization from DDTC is required.

Section I – Contact Information

Applicant's Full Legal Name
Applicant's Residential Address Abroad
Applicant's Email Address
Applicant's Phone Number

Section II – Scope of Request

I will be furnishing assistance in the *(list defense services in bold)* **design, development, and maintenance** of the XXX defense article. As the project engineer, I will be overseeing the development of the XYZ radar software, to include coding and the review and analysis of test results. I am also responsible for troubleshooting and resolving radar software problems for our customers. Furthermore ...

³ This document is drafted for the most common form of USPAB authorization: corporate employment. If your employment is with a non-corporate entity (e.g., government, academic institution, or non-profit organization), please adjust accordingly.

⁴ Include the bracketed clause only if you will be providing defense services to more than one foreign party.



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Additionally, I will be **training** the Country X Air Force in the use of

The defense services I will provide are classified under USML Category **XII(f)** and relate to the following USML categories: **XII(a)(1)**, **XII(a)(3)**, and **XII(d)(2)(i)**.

I am seeking authorization to provide **DEFENSE SERVICES** as defined in ITAR § 120.32(a)(1) or (3) **ONLY**. I will **NOT** export defense articles, and I will **NOT** transfer ITAR-controlled technical data without a separate authorization.

Section III – Relevant U.S. Experience

I have no U.S. education or experience related to USML defense articles.

<OR>

I have both U.S. education and experience related to USML defense articles. I earned a master's degree in Electrical Engineering from the University of XXX with a concentration in low observables. After graduating, I worked for six years for ABC Company on the F-XX Avionics Block II suite where I ...

Section IV – Recipients of Defense Services

I will furnish defense services directly to the following foreign entities in connection with my employment with (foreign employer):

ABC Inc.
XXX Walking Way
Ultimate City
Country X

XYZ Inc.
XXX Walking Way
Penultimate City
Country Y

Country X Air Force
XXX Walking Way
Air Force Way
Country X



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Section V – Applicant Information

A. U.S. Person Status (as defined in ITAR § 120.62)

I am a U.S. citizen.

<OR>

I am a lawful permanent resident as defined by [8 U.S.C. 1101](#)(a)(20).

<OR>

I am a protected individual as defined by [8 U.S.C. 1324b](#)(a)(3).

B. Years of Residency

I moved to the United States at the age of 16 to finish high school and attend college. I lived in the United States from 20XX until 20XX, at which time I moved back to Country X at the age of 32.

<OR>

I have never lived in the United States.

Section VI – Statement of Understanding

I, (applicant name), understand that as the applicant, I am personally responsible for ensuring I adhere to the ITAR as it relates to my work. If my request is approved, I am responsible for adhering to the conditions of my authorization. Furthermore, if my job changes so that my authorization no longer reflects the scope of my work, it is my responsibility to seek a new authorization.

Section VII – Appointing a Third Party POC

This section is optional. If using a third party to assist with the application process, include the following statement:



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I, (applicant name), authorize DDTC to contact (designee name) with any questions related to my application. I acknowledge that I have read through this application and all the information contained herein is true and correct.

Sincerely,

//SIGNED//

PRINTED NAME

DATE



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**Appendix B – Sample §126.13 Certification Letter for USPAB
Authorization Requests⁵**

(Date)

Director
Office of Defense Trade Controls Licensing
2401 E Street N.W., Suite 1200 (SA-1)
Washington, DC 20522-0112

Subject: ITAR §126.13 Certification Letter

Dear Director:

I certify the following as required by section 126.13(a) of the International Traffic in Arms Regulations (22 CFR 126.13(a)):

1. I am not the subject of an indictment, I have not been otherwise charged (e.g., by criminal information in lieu of indictment) for, and I have not been convicted of, violating any of the U.S. criminal statutes enumerated in 22 CFR 120.6.
2. I am not ineligible to contract with, or to receive a license or other approval to temporarily import or export defense articles or defense services from any agency of the U.S. Government;
3. To the best of my knowledge, no party to the export as defined in 22 CFR 120.68(a) has been convicted of violating any of the U.S. criminal statutes enumerated in 22 CFR 120.6, or is ineligible to contract with, or to receive a license or other approval to temporarily import or export defense articles or defense services from any agency of the U.S. Government; and
4. I am a citizen or national of the United States, or I have been lawfully admitted to the United States for permanent residence (and maintain such lawful permanent residence status) under the Immigration and Nationality Act, as amended (8 U.S.C. 1101(a)(20), 66 Stat. 163).

Sincerely,
//SIGNED//
PRINTED NAME

⁵ NOTE: This sample document is provided as an aid for creating a 22 CFR 126.13 certification letter. Please remove the DDTC letterhead and document title ("Sample §126.13 Certification Letter for USPAB Authorization Requests") when creating your letter.